

REMARKS

In response to the Panel Decision dated September 12, 2008, Applicants respectfully request reconsideration based on the above amendments and the following remarks.

Applicants respectfully submit that the claims as presented are in condition for allowance.

Claims 1-4, 6, 8, 9-13, 15, 17-22 and 24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Miller in view of Giordano. This rejection is traversed for the following reasons.

Claim 1 recites, *inter alia*, “automatically executing the transaction on behalf of the network user, the automatically executing the transaction including executing a purchase of a service or product on behalf of the network user.” Neither Miller nor Giordano teaches or suggests this feature. Miller teaches distributing sales information to a user based on UPC information entered by the user. There is no teaching in Miller of automatically executing a transaction on behalf of the network user, the automatically executing the transaction including executing a purchase of a service or product on behalf of the network user. The Examiner acknowledges that Miller does not teach automatically executing the transaction on behalf of the network user and relies on Giordano. Giordano teaches an e-commerce system in which previously purchased items are automatically placed in a user’s online shopping cart (see Abstract). There is no teaching in Giordano of executing a purchase of a service or product on behalf of the network user. In applying Giordano, the Examiner apparently reasons that placing items in the electronic shopping cart is a “transaction.” Placing an item in a shopping cart does no more than put an item on a list. The item is not automatically purchased on behalf of a user. Thus, even if Miller and Giordano are combined, the elements of claim 1 do not result.

For at least the above reasons, claim 1 is patentable over Miller in view of Giordano. Claims 2-4, 6, 8 and 9 depend from claim 1 and are patentable over Miller in view of Giordano for at least the reasons advanced with reference to claim 1. Independent claims 10 and 19 recite features similar to those discussed above with reference to claim 1 and are patentable over Miller in view of Giordano for at least the reasons advanced with reference to claim 1. Claims 11-13, 15, 17 and 18 depend from claim 10 and are patentable over Miller in view of Giordano for at least the reasons advanced with reference to claim 10. Claims 20-22

and 24 depend from claim 19 and are patentable over Miller in view of Giordano for at least the reasons advanced with reference to claim 19.

Claims 5 and 14 have been rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Miller in view of Giordano and Agrawal. This rejection is traversed for the following reasons.

Agrawal was relied upon for allegedly disclosing searching a service/product database to ensure that the items and services associated with the transaction are compatible with the transaction, but fails to cure the deficiencies of Miller in view of Giordano discussed above with reference to claims 1 and 10. Claims 5 and 14 depend from claims 1 and 10, respectively, and are patentable over Miller in view of Giordano and Agrawal for at least the reasons advanced with reference to claims 1 and 10.

Claims 7, 16, and 23 have been rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Miller in view of Giordano and Official Notice. This rejection is traversed for the following reasons.

Official Notice was relied upon for an application program interface, but fails to cure the deficiencies of Miller in view of Giordano discussed above with reference to claims 1, 10 and 19. Claims 7, 16 and 23 depend from claims 1, 10 and 19, respectively, and are patentable over Miller in view of Giordano and Official Notice for at least the reasons advanced with reference to claims 1, 10 and 19.

It is believed that the foregoing amendments and remarks fully comply with the Office Action and that the claims herein should now be allowable to Applicants. Accordingly, reconsideration and allowance is requested. It is submitted that the foregoing amendments and remarks should render the case in condition for allowance.

Accordingly, as the cited references neither anticipate nor render obvious that which the applicant deems to be the invention, it is respectfully requested that claims 1-24 be passed to issue.

If there are any additional charges with respect to this Amendment or otherwise,
please charge them to Deposit Account No. 06-1130.

Respectfully submitted,

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